

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

EUGENE BROWN,

Petitioner,

vs.

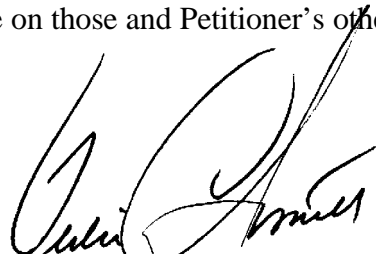
No. CIV 2:96-1327 HB/LCS

RON LYTLE, Warden,

Respondent.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

THIS MATTER comes before the Court because of Petitioner's June 19, 1998 response to this Court's April 28, 1997 Proposed Summary Denial of Claimed Relief. In its order of April 28, 1997, this Court also ordered that Petitioner through counsel show in writing why Petitioner's claims numbered 3, 4, 7, 8, 9, 10 and 11 should not be summarily denied. In his response, Petitioner concedes to the dismissal of claims 3, 7 and 10. Accordingly, I recommend that those three claims be denied. As to claims 4, 8, 9 and 11 the Petitioner's argument that those claims do state federal constitutional claims is sufficient to avoid summary denial. Accordingly, this Court will enter an order setting a briefing schedule on those and Petitioner's other remaining claims.



LESLIE C. SMITH
UNITED STATES MAGISTRATE JUDGE

